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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA.

2:05-CR-209 JCM (PAL)
Related Case 2:09-CV-2027 JCM (RJJ)

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Plaintiff,

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ALLEN D NYE,

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Defendant.

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ORDER

14 Presently before the court is the government's non-opposition to motion to reconsider order
15 dismissing 28 U.S.C. § 2255 motion and request for clarification. (Doc. # 118).

16 On September 29, 2010, this court entered an order reconsidering defendant Allen D. Nye's
17 motion to vacate, finding that he had timely filed the motion with the court. The court's order also
18 required that the government file a response to the motion within fifteen (15) days.

19 In the government's present motion (doc. #118), it concedes that the defendant's motion was
20 timely, and asks the court to clarify which motion it is to respond to. In the event that it is to respond
21 to the §2255 motion, it requests forty-five (45) days from the date of the court's order to do so.

22 This court is inclined to grant the government forty-five (45) days from the date of the court's
23 order to file its response to the defendant's § 2255 motion to vacate.

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Accordingly,

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1 IT IS HEREBY ORDERED ADJUDGED AND DECREED that respondent file a response
2 to the § 2255 motion within forty-five (45) days from the court's order dated September 29, 2010.
3 DATED this 6th day of October, 2010.

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6 **UNITED STATES DISTRICT JUDGE**
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